

The full text of the rule with amendments in legislative style is given below. Strikeout (~~Sample~~) indicates that the text is being removed while bold and underlining (**Sample**) indicates new text.

RULE 465. EVIDENCE.

- (a) Evidence received at a hearing under Business and Professions Code section 6007(c)(2) shall be by declaration, request for judicial notice, and transcripts, without testimony or cross-examination, except for good cause shown. **To the extent the evidence to be offered at the hearing was not previously attached to and served with either the State Bar's application pursuant to rule 461 or the member's response pursuant to rule 462, such proposed evidence shall be filed with the Court and served upon the opposing party no later than three (3) court days before the first day set for hearing. When the proposed evidence is filed less than five (5) court days before the hearing, the filing party shall file and serve a copy on the other party in a manner to assure actual receipt by the other party no later than two (2) calendar days before the hearing.**
- (b) A party seeking permission to introduce oral testimony, except for oral evidence in rebuttal to oral testimony presented by the other party, shall file and serve, no later than three (3) court days before the first day set for hearing, a written statement setting forth the substance of the proposed testimony, the names and addresses of witnesses, and a reasonable time estimate for the testimony. When the statement is filed less than five (5) court days before the hearing, the filing party shall file and serve a copy on the other party in a manner to assure actual receipt by the other party no later than two (2) calendar days before the hearing.
- (~~bc~~) When a contested hearing is held, declarations in support of the application are not introduced into evidence merely by filing. Their admissibility must be ruled on by the judge at the hearing. Objections and motions to strike material in declarations shall be ruled on by the judge at the time of the hearing.
- (~~ed~~) When an application under Business and Professions Code section 6007(c)(2) is supported by declaration, transcripts, or request for judicial notice, and a hearing is not held, it must clearly appear from specific facts shown in the application that the member's conduct poses a substantial threat of harm to the member's clients or to the public. Declarations and deposition transcripts must contain probative facts and show the source of the declarant's information, so that the Court can weigh the evidence. Declarations on information and belief are hearsay and generally insufficient by themselves to support a finding for involuntary enrollment; conclusions of law in a declaration are not evidence.

Eff. January 1, 1995.

Source: TRP 793.1 (substantially revised).